

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG PHILIPS LCD Co., LTD.,	:
	:
Plaintiff,	:
	:
v.	:
	:
CHI MEI OPTOELECTRONICS	Civil Action No. 06-726-JJF
CORPORATION, et al.,	Civil Action No. 07-357-JJF
	:
Defendants.	CONSOLIDATED
	:
	:

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.1.

2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before **April 4, 2008**.

3. **Settlement Conference.** Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge Thynge for the purposes of exploring the possibility of a settlement. If the parties agree that they would benefit from a settlement conference, the parties shall contact the Magistrate Judge to schedule a settlement conference so as to be completed no later than the Pretrial Conference or a date ordered by the Court.

4. **Discovery.**

(a) Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by **June 27, 2008.**

(b) LPL may serve a maximum of **30** interrogatories on AUO and may serve a maximum of **30** interrogatories on CMO including contention interrogatories. AUO may serve a maximum of **30** interrogatories, including contention interrogatories on LPL. CMO may serve a maximum of **30** interrogatories, including contention interrogatories on LPL. For the purposes of Section 4 of this Order, "LPL" refers to LG. Philips LCD Co., Ltd. and LG. Philips LCD America collectively; "AUO" refers to AU Optronics Corporation and AU Optronics Corporation America collectively; and "CMO" refers to Chi Mei Optoelectronics Corporation and Chi Mei Optoelectronics USA, Inc. collectively.

(c) LPL may serve a maximum of **25** requests for admission on CMO. AUO may serve a maximum of **25** requests for admission on LPL. CMO may serve a maximum of **25** requests for admission on CMO.

(d) Non-party Discovery and document production shall be commenced so as to be completed by **December 17, 2008.**

(e) LPL may depose AUO (pursuant to Fed. R. Civ. P. 30 (b) (6) and/or individual officers or employees of AUO) for

a maximum of **35** hours: LPL may depose CMO (pursuant to Fed. R. Civ. P. 30 (b) (6) and/or individual officers or employees of CMO) for a maximum of **35** hours. AUO may depose LPL (pursuant to Fed. R. Civ. P. 30 (b) (6) and/or individual officers or employees of LPL) for a maximum of **35** hours. With respect to these time limits, translated depositions and non-party depositions are excluded from these hourly totals. The parties agree that 30(b) (6) deposition may extend past one day, and the parties further agree that personal depositions of individual officers or employees will not extend longer than 7 hours of transcribed time (except if translated, such deposition may extend to 14 hours). Each side may depose non-parties for a maximum of 60 hours. Depositions shall not commence until after the completion date set forth in Paragraph 4(a) (b)®.

(f) Fact Discovery shall be completed by **December 17, 2008**.

(g) Reports from retained experts required by Fed. R. Civ. P. 26(a) (2) are due from the party with the burden of proof on the issue the expert is offered by **January 12, 2009**. Rebuttal reports are due by **February 9, 2009**.

(h) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties or ordered by the Court.

5. Non-Case Dispositive Motions.

(a) Any non-case dispositive motion, along with an Opening Brief, shall be filed with a Notice of Motion. The Notice of Motion shall indicate the date on which the movant seeks to have the motion heard. The hearing date selected shall allow time for filing of the motion, allow for briefing in accordance with the Federal and Local Rules, and shall permit all briefing to be filed no later than 12:00 noon the Friday before the motion day on which it is to be heard. Available motion dates will be posted on the Court's website at:

<http://www.ded.uscourts.gov/JJFmain.htm>

(b) At the motion hearing, each side will be allocated ten (10) minutes to argue and respond to questions from the Court.

(c) Upon filing of the Notice of Motion, a copy of said Notice shall be sent to Chambers by-email at:
jjf_civil@ded.uscourts.gov

6. Amendment of the Pleadings. All motions to amend the pleadings shall be filed on or before **August 1, 2008**.

7. Case Dispositive Motions. Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before **February 20, 2009**. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The parties shall

follow the Court's procedures for summary judgment motions which is available on the Court's website at:

<http://www.ded.uscourts.gov/JJFmain.htm>

8. **Markman.** A Markman Hearing will be held on **October 1, 2008 at 1:00 p.m.**¹ Briefing on the claim construction issues shall be completed at least twenty (20) days prior to the hearing. Each party shall exchange a list of terms believed to require construction by **June 10, 2008**. Each party shall exchange proposed constructions of the disputed terms by **July 3, 2008**. The parties shall file with the Court a single chart showing each party's proposed construction of the claims at issue together with the intrinsic evidence supporting that construction on **July 11, 2008**, after conferring first in an attempt to narrow the disputes between the parties. Opening Brief for each party shall be filed on **July 18, 2008**. Responsive Briefs shall be filed on **August 15, 2008**. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

9. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the

¹ The Court is mindful of Footnote 3 in the Proposed Order; however, the Court is now assigned 94 patent cases and available court dates are limited.

District of Delaware (Amended Effective June 30, 2007). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1 and be made in accordance with the Court's February 1, 2008 Order on procedures for filing non-dispositive motions in patent cases. Briefs shall be limited to no more than ten (10) pages. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

10. Pretrial Conference and Trial.

(a) A Pretrial Conference will be held **April 9, 2009 at 12:00 p.m.** in Courtroom No. 4B on the 4th Floor, Boggs Federal Building, Wilmington, Delaware. The Federal Rules of Civil Procedure and Rule 16.3 of the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective June 30, 2007) shall govern the pretrial conference;

(b) Trial will commence on **June 2, 2009 at 9:30 a.m.** in Courtroom No. 4B on the 4th Floor, Boggs Federal Building, Wilmington, Delaware.

March 31, 2008
DATE


UNITED STATES DISTRICT JUDGE